

### **REMARKS/ARGUMENTS**

Favorable reconsideration and allowance of the present application is respectfully requested. Claims 1-22 are pending in the above application, of which claim 1 is independent. By the above amendment, claims 18-22 have been added.

The Office Action dated March 2, 2010, has been received and carefully reviewed. In that Office Action, claims 1-17 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite, claims 1-11 and 17 were rejected under 35 U.S.C. 102(b) as being anticipated by JP 2002-307935, and claims 12-16 were rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2002-307935 in view of JP 61-85218. Each of these issues is addressed below, and reconsideration and allowance of all claims is respectfully requested in view of the above amendments and the following remarks.

### **DRAWINGS**

New drawings are submitted herewith to address the issues identified by the examiner. No new matter has been added.

### **REJECTIONS UNDER 35 U.S.C. 112, SECOND PARAGRAPH**

The claims have been carefully reviewed and amended to remove indefinite phrases such as "in particular" and to provide antecedent basis for all terms. It is believed that the claims now satisfy the requirements of 35 U.S.C. 112, second paragraph.

A few of the issues raised in connection with the Section 112 rejections, which may or may not have been addressed by the above amendments, are addressed

below. Regarding the use of the word "for," it is not clear how use of the word "for" is believed to render any claim indefinite. MPEP 2173.05(g) provides that functional language does not, by itself, render a claim indefinite. To the extent that the rejection is based merely on the presence of the word "for" in the claims, this rejection is respectfully traversed. If the examiner identifies the uses of "for" that are believed to be indefinite, Applicant will respond and make further amendments if necessary.

The Office Action also requires that Applicant state the minimum number of components an accused device would need to have to infringe the claims. It is respectfully submitted that the claims as amended satisfy the requirements of 35 U.S.C. 112, second paragraph, and clearly and distinctly define the invention. An accused device would have to have the elements recited in a particular claim in order to infringe that claim. The requirement for stating the minimum number of components an accused device would need to have to infringe the claims is therefore respectfully traversed. If this requirement is maintained, it is respectfully requested that the examiner identify the legal authority for requiring this information.

The Office Action indicates that the meaning of "modular" is not understood. A definition of "modular" from the Merriam-Webster Online Dictionary is submitted herewith. As shown by this definitions, "modular" means "constructed with standardized units or dimensions for flexibility and variety in use." This is consistent with the explanation of "modular" provided in the paragraph beginning at page 2, line 35, where it is provided that a "modular device is to be understood as meaning either an individual component or a plurality of components which have been assembled to form one unit and at least serve a common purpose." It is therefore respectfully submitted that the word "modular" is being used consistently with its ordinary meaning and with the

description of this term in the specification and is not indefinite. One of ordinary skill in the art would understand, especially in connection with the description in the paragraph beginning on page 3, line 16, that the recited "modular" device could be used to adapt the air conditioning unit to different requirements and/or to enable a different number of zones within a vehicle to be air conditioned. It is therefore submitted that the use of the term "modular" in the claims is not indefinite.

REJECTIONS UNDER 35 U.S.C. 102(b)

Claim 1 is rejected under 35 U.S.C. 102(b) as being anticipated by JP 2002-307935. Claim 1, as amended, recites an assembly arrangement for an air conditioning unit for a motor vehicle, having, inter alia, at least one housing, at least one first apparatus for the exchange of heat, at least one second apparatus for the exchange of heat, at least one inlet for a gaseous medium and at least one outlet for the gaseous medium. The housing has at least one receiving device for at least one further modular device, and the at least one further modular device comprises a device for adapting the air conditioning unit to condition a plurality of zones within the motor vehicle. Support for this amendment can be found, for example, at page 3, lines 16-25. JP 2002-307935 does not show or suggest at least a modular device comprising a device for adapting the air conditioning unit to condition a plurality of zones within the motor vehicle as recited in claim 1, and claim 1 is submitted to be allowable over JP 2002-307935 for at least this reason.

Claims 2-17 depend from claim 1 and are submitted to be allowable for at least the same reasons as claim 1.

New claims 18-20 are submitted to further distinguish over the art of record.

These claims depend from claim 1 and are submitted to be allowable for at least the same reasons as claim 1.

Claim 18 further recites that the at least one modular device is configured so that the entire at least one modular device can be accommodated in the at least one receiving device. Support for this amendment can be found, for example, at page 2, lines 19-29. Such a modular device is not shown or suggested by the art of record, and claim 18 is submitted to further distinguish for this reason.

Claim 19 recites that the at least one modular device is configured so that the entire at least one modular device can be accommodated in the at least one housing. Such a modular device is not shown or suggested by the art of record, and claim 19 is submitted to further distinguish for this reason.

Claim 22 recites that the modular device is either a device for adapting the air conditioning unit to condition two zones or a device for adapting the air conditioning device to condition three zones and that either one of the devices is receivable, individually, in the receiving device. Such an arrangement is not shown or suggested by the art of record, and claim 22 is submitted to further distinguish over the art of record for this reason.

#### REJECTIONS UNDER 35 U.S.C. 103(a)

Claims 12-16 are rejected under 35 U.S.C. 103(a) as being unpatentable over JP 2002-307935 in view of JP 61-85218. Claims 12-16 depend from claim 1. JP 61-85218 does not address the shortcomings of JP 2002-307935 discussed above in connection with claim 1. Claims 12-16 are therefore submitted to be allowable for at least the same reasons as claim 1.

**CONCLUSION**

Each issue raised in the Office Action dated March 2, 2010, has been addressed, and it is believed that claims 1-22 are in condition for allowance. Wherefore, reconsideration and allowance of these claims is earnestly solicited. If the examiner believes that any additional changes would place the application in better condition for allowance, the examiner is invited to contact the undersigned attorney at the telephone number listed below.

*Deposit Account Authorization*

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this, concurrent and future replies, including extension of time fees, to Deposit Account 50-3828 and please credit any excess fees to such deposit account.

Respectfully submitted,

  
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**Date: June 2, 2010**



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## modular

2 entries found.

**modular (adjective)**

**modular arithmetic (noun)**

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### Modular Home Finance

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Main Entry: **mod·u·lar**

Pronunciation: \ˈmā-jə-lər\

Function: *adjective*

Date: 1798

**1** : of, relating to, or based on a module or a modulus

**2** : constructed with standardized units or dimensions for flexibility and variety in use  
<modular furniture>

— **mod·u·lar·i·ty** \,mā-jə-ˈlā-rə-tē\ *noun*

— **mod·u·lar·ly** \ˈmā-jə-lər-lē\ *adverb*

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